

## REMARKS

Claims 1-12 have been previously cancelled. No claims have been amended, added or canceled by way of this amendment. Therefore, claims 13-34 are pending in the application and presented for examination. Applicants respectfully request reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

### Response to Rejections Under Section 102:

Claims 13, 15-16, 18, 21, 24, 30-32 and 34 stand rejected under 35 USC 102(b) as being anticipated by Czech '545.

In the instant Office Action, the Examiner correctly stated that Czech teaches that the re-diffusion temperature should always be kept **well below** "... the highest temperature of a given phase in the alloy, [and] **the lowest solution temperature of a given phase in the alloy ...**" (page 2 item 3). Applicants agree with the Examiner's interpretation of the teachings of Czech and respectfully submit that the re-diffusion treatment of Czech therefore can not be a solution treatment because the **re-diffusion temperature must be well below the lowest solution temperature** of all phases in the alloy as asserted by the Examiner.

In contrast to the teachings of Czech, Applicants claim "**performing a solution heat treatment**" as recited in claim 13, 16 and 30. By definition, a solution heat treatment must be performed at a temperature that is above the solution temperature of at least one of the phases of the alloy. Since Czech wants to stay below the solution temperature of all phases, and the present claims require that the temperature be above the solution temperature of at least one phase, the Czech reference can be said to teach away from the presently claimed invention.

In view of the above, claims 13, 16 and 30 are not anticipated by Czech. Furthermore, claims 15, 18, 21, 24, 31-32 and 34 are also patentable at least based on their dependence from claims 16 or 30 as well as based on their own merits. Therefore, Applicants respectfully request that the Examiner withdraw the Section 102 rejections.

### Response to Rejections Under Section 103:

Claims 14, 17, 19-20, 22-23, 25-29 and 33 stand rejected under 35 USC 103(a) as being un-patentable over Czech '545 in combination with other references.

As discussed above regarding the section 102 rejections, Czech does not teach performing a solution heat treatment, but rather specifically requires that the temperature be kept below the solution temperature of the base material alloy (which as the Examiner points out, means that the temperature must be below the solution temperature of each phase present in the alloy). In contrast to the teachings of Czech, Applicants claim performing a solution heat treatment where "...the temperature of said solution heat treatment is **at least the solution temperature of the  $\gamma$ ' phase ...**" as recited in claim 28 and 29. Furthermore, the addition of Schaeffer et al. does not teach the missing limitations, therefore the combination of Czech in view of Schaeffer et al. does not render Applicants claims 28 and 29 un-patentable. Applicant's respectfully request the Examiner to withdraw the section 103 rejections.

#### Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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